Pellegrino, Rachel

From: Morris, Craig
Sent: Tuesday, January 04, 2011 5:38 PM
To: Brown, Brian (TM)
Subject: FW: Small Business Study - TM Bullies

Follow Up Flag: For Your Information
Flag Status: Flagged

Categories: DONE

From: Carla W. Sledge [(b)(6)]
Sent: Tuesday, December 07, 2010 6:24 PM
To: TMFeedback
Subject: Small Business Study - TM Bullies

In response to your request for information with regard to Trademark Litigation Tactics:

1. Practitioner; atty of record for ~ 180 currently live US apps/reg. Firm probably has ~40 others.

2. Bully experience: Easy – Teletracking Technologies, Inc. represented by Stanley Ference and Associates. His firm's TTAB record speaks volumes of how the system can be used to bully others in the desperate attempt to protect its descriptive "Tracking" marks (some of which one could argue should not have been registered -- in my opinion). For those who fight back, the records reveal systematic delay, unresponsiveness to phone calls, letters and emails - which was true in my case - as well as multiple complaints concerning the veracity of pleadings filed. This tactic has turned out to be successful since an applicant is faced with fighting for principle or paying substantial fees and principle usually goes first. This practice does a disservice to law and government resources in my opinion. In my case, Teletracking's conduct increased true cost of settlement in our case at least 10 fold. I was embarrassed at the conduct of Teletracking's attorney as it was truly unexplainable to my client. After Teletracking's attorney reneged on our settlement I just stopped charging client for the time it took to wrap up.

3. I have received and sent a number of cease and desist letters. Many are resolved when priority of use is clear. It is a difficult practice – many resources are required to appropriately police / monitor trademark rights. Often the burden of defending a registration is catastrophic to a client just starting its business.

CARLA W. SLEDGE
Hutchinson Black and Cook, LLC
921 Walnut Street | Suite 200 | Boulder, CO 80302
(b)(6)

CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail.

CIRCULAR 230 NOTICE: Pursuant to new IRS guidelines, we are required to advise you that this communication was not written and cannot be used for the purposes of avoiding Federal tax penalties that may be imposed on you, unless specifically stated.